

Elk Rapids Township Planning Commission Meeting Minutes – Tuesday, July 21, 2015

Present: Shen Smith, Pug Sliger, Renee’ Mischel, & William Larson

Absent: Dorance Amos, Jim Lundy & Jean Derenzy

Others Present: Len Harrett, Twp Zoning Admin., William Derman, Twp Legal, Larry Nix, Twp Planner and approximately 7 other people in attendance.

Called to order: Chair Smith called the meeting to order at 6:30 pm with a quorum present. As Bill Larson was then going to be absent for about 10 minutes the **New Business** item was moved forward for informal discussion.

New Business: **Altonen Orchards, Brian Altonen**, discussed their vision for a winery production facility and tasting room on the Altonen Orchards agriculturally zoned lands. He inquired about the zoning process necessary to produce cider and perry (which are both considered wine by the State of MI and the federal government). Mr. Altonen indicated they have no plans to use this facility for anything other than production and tasting. They propose to use all of their own fruit (unless a shortfall), then they could possibly use other area produce. He indicated that at this time there are no plans to grow grapes. He indicated this proposed plan would provide approximately 4-6 new jobs for the Township in the beginning and potentially 8-12 as the facility becomes more established. The production facility and tasting room would be placed approximately 800-1000 ft off Us-31 in a new building with no overnight accommodations (Chateau) being proposed. (quorum re-established 6:50pm)

Mr. Nix discussed putting together sample zoning ordinance text language for Commission consideration which would permit the operation of a small winery as part of a farm. The Ordinance would need to be amended to either allow it as a “Special Land Use” or “Use by Right” to include certain qualifications such as, size, parking, setbacks, etc. Following further discussion Chair Smith asked each Commission member if they were in agreement to move forward on this project. A comment from Renee’ Mischel was a request that special land use and use by right amendment text be created for review. Consensus of the four members then present was to authorize Larry Nix to create two sample drafts on the subject for further review.

Mr. Altonen asked what the timeframe to completion of the amendment process would be as he would wish to start construction this fall if possible. Discussion over the timeframe indicated that on the Commission normal schedule it would likely be in the Spring of 2016. Mr. Altonen stated he was willing though special meetings to expedite the time needed to completion. When asked, Mr Nix indicated he could have sample text drafts ready by the end of the week of July 31st. Mr. Altonen expressed that he would greatly appreciate it if the Commission could accelerate the process to completion.

Chair Smith let the Consultant, know the Commission is in consensus to go forward with drafts for both a “Use by Right in an Agricultural district” and a “Special Land use” . Chair Smith informed Mr. Altonen she would let him know when the drafts are received and at that time will scheduled a special meeting to review the proposed text.

Adoption of Agenda: Agenda for the July 21, 2015 meeting unanimously adopted by the Commission with an
M/S – Mischel/Sliger amendment which moved item I. (New Business) to the top of the agenda. **MOTION CARRIED**

Public Comments: None

Approval of Minutes: Minutes for the May 20, 2015 meeting unanimously adopted, as published, by the Commission.

M/S – Sliger/Larson MOTION CARRIED

Zoning Administrators Report: The Hayden Development Project: The Zoning Administrator informed the Commission about an update on the 47 Acres on Orchard Dr. They have updated their blueprints and Harrett feels he will issuing a permit for them to widen the road 2 feet and re-surface it so that it meets the ordinance requirements for 25 properties, rather than 12 by the end of the coming week. Chairman Smith questioned the perk ability and Dual zoning of the properties. That is something they are working on, but it will not keep them from widening the road. Mr. Harrett informed Smith that they will eventually be in front of the Commission again regarding an Open Space Development.

Mr. Harrett also informed the Commission about a request that was presented to the Commission earlier this year and was approved. (Debra Blinstrub). He was at the property that morning, as he didn't recognize any of the contractors that were part of the initial proposal. He had to stop unauthorized excavation that was taking place. Harrett found out that Blinstrub abandoned the whole project and sold the property. With that, the alterations were being ordered by the new owner who has owned it since June 30, 2015. Mr Harrett and Heidi Schaffer (Soil Erosion) stopped all the work and let them know they needed permits and possibly would need to come in front of the Planning Commission. It's unclear at this time whether they will use the original plans, or want new ones. If they use the original plans that were approved for the property they will not need to come before the Planning Commission as the approval goes with the land, not the property owner. The new owner is now aware that they need to submit plans. If they are the same as the original ones, Mr Harrett can issue a permit immediately, if they are not, or they are modified, they will need to begin the approval process.

Unfinished Business: Un-tabling of Special Exception Use Permit Consideration for Pine Hollow Institute: Chair Smith stated for the record that Pine Hollow Institute had sent a letter of withdrawal for their Special Exception Use Permit, the record first needs a motion to un-table the tabled application, then to accept their letter of withdrawal and finally vote to take the application off the table completely. **M/S Mischel/Sliger** To un-table the Pine Hollow Special Use Permit Application. Unanimously approved by the Commission. **MOTION CARRIED. M/S Sliger/Mischel** To accept the Pine Hollow Institute letter of withdrawal for a Special Exception Use Permit and to terminate their application (copy of withdrawal letter attached with these minutes). Unanimously approved by the Commission. **MOTION CARRIED**

Chairman Smith asked Larry Nix for an update on the current status of the Pine Hollow Institute project. Mr. Nix reported there was an informal meeting with Pine Hollow Institute after the last meeting, there was a lot of public input and discussion. Mr. Nix worked with attorneys Bill Derman and Matt Zimmerman to draft a "Finding of Fact" with conditions on the Pine Hollow Institute application, which was then shared with their attorney. Pine Hollow Institute decided they could not live with the conditions the Planning Commission was considering assigning to the project. With that, on June 5, 2015 PHI issued a "Letter of Withdrawal" for their application for a Special Exception Use Permit. After several weeks went by there was some initiation of discussion with Pine Hollow Institute representatives and the Township. Very informal for questioning what went wrong, what PHI wanted, and where the mis-communication between the Township and PHI came from, etc. Dale Hull is no longer with PHI. Last week, Nix met with Leslie Lee, the owner of the property, and her assistant. She outlined what she wants to accomplish on the property. Ms. Lee wanted to review the "Findings of Fact" and wondered about any leeway. Nix feels Ms. Lee is now heading in the right direction with her discussion to pare down the magnitude of the operation, in terms of the size of events, the purpose of the events, and the clientele. It sounded like she is addressing the concerns of the public. At this point, Ms. Lee is unsure if she will move forward and re-apply. Ms. Lee did inform people at the meeting that there would not be any "Substance Abuse Retreats". Ms. Lee also said, she did not realize that parking was one of the major issues. If she reapplies, there will be no parking at all on the road. Until there is a new application, at this point, the PHI project is a closed project.

Chairman Smith asked if there any questions from the public in attendance. Mrs. Pixley (neighbor to PHI) expressed her concern, that if there is a public hearing regarding PHI, could it take place in the summer, when they are present. That will be addressed at the time.

Old Business: Addendum to the Master Plan (R-3): As presented. Memo Attached. If the Master Plan is to be amended, there is a process that must be followed. The memo outlines all the steps necessary. Mr. Nix indicated that we are currently 2 years into the every five year review. If there are any changes to the Master Plan now, then the 5 years would start again in another 5 years. Pug Sliger questioned if someone wants to put in a R-3 development, should we amend the Master Plan then, rather than now? Larry Nix, suggests putting the Commission findings and recommendations into a formal "White Paper" stating the six properties identified as potential R-3 with the Commission Finding of Fact which supports those decisions regarding R-3, rather than creating an addendum to the master plan at this time. Renee' Mischel, asked what the benefit of doing that is rather than amending the Master Plan and getting it done with. Mr Nix explained that it is a long process to amend the Master Plan, and at this point, it's not necessary to "reset the 5 year clock" and with White Paper it is not necessary to go through the formal process, but it establishes the position of the Commission and if someone came forward with a project the Commission could at that time amend the Master Plan to make their position official. In 3 years time, the Master Plan can then be amended in sequence to reflect the Commission and the Village joint collaboration on the R-3 project. Chairman Smith supports the White Paper as opposed to a full amendment at this time and asked Twp legal counsel Bill Derman his opinion. He recommended "White Paper" at this time. After further discussion, there was a consensus of the Commission that a "White Paper" is a sound decision at this time. The Commission authorized Planner Larry Nix and Attorney Bill Derman to collaborate on a official "White Paper" document for use for Commission review.

M/S Mischel/Larson To authorizing the Township Planner (Larry Nix) with Attorney (Bill Derman) to collaborate on a official "White Paper" identifying and outlining the six approved properties identified and the reasoning for them to be considered as potential R-3 as they were identified by the Collaborative Committee which included the Village Planning, Village ZBA, Township Planning and Township ZBA with final review and approved by the Township Planning Commission. Unanimously approved by the Commission. **MOTION CARRIED.**

Public Comments: Patrick Brady - expressed his concerns about the potentially proposed R-3 property and with the process getting to the current point with a feeling the public wasn't included in the process. He indicated he was pleased the Commission was taking a step back with a white paper and not a full amendment at this time.

Dick Hultz thanked the commission for the second round of PHI meetings. He does hope that if it goes forward again, there will be a clause regarding the special use permit indicating that it is for the current owner only, not subsequent owners of the property. Mr. Nix indicated that Ms. Lee was aware of this problem and it will be addressed if she reapplies.

Member Comments:

Renee' Mischel questioned the timing regarding the Altonen application. The Planner should have a draft within the week. Then a special meeting will be scheduled as soon there after.

Motion to Adjourn: Motion to adjourn at 7:40 PM was unanimously approved the the Commission.

M/S - Mischel/Sliger